



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

January 27, 2011

Ms. Terry Macaulay
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Dear Ms. Macaulay:

Scoping Comments, Notice of Preparation, Draft Environmental Report, Delta Plan

As supporters of the historic package of legislation that led to the creation of the Delta Stewardship Council, The Metropolitan Water District of Southern California (Metropolitan) welcomes the opportunity to comment on the creation of a Delta Plan (Plan). The legislation envisioned a Plan that could help California meet the co-equal goals of environmental restoration for the Sacramento-San Joaquin Delta and for water supply reliability. The scoping comment process marks an important milestone and an important opportunity to help ensure the successful creation of a Plan that is consistent with the legislative mission.

Metropolitan has been active since the mid-1990s with its own long-term planning process, known as our Integrated Water Resources Plan (IRP). Prior to the first IRP in 1996, there was an expectation that Metropolitan would pursue a goal of obtaining full State Water Contract supplies in most water year types. As a result of the IRP process, Metropolitan's IRP was revised to increase focus on managing wetter year supplies for dry year use, and Metropolitan built a large reserve of storage capacity, including Diamond Valley Lake in Riverside County.

Last year Metropolitan updated its IRP to enhance compliance with the state policy of reducing reliance on the Delta to meet future needs by looking to local supply and demand initiatives, not the Delta, to balance existing supplies with higher future demand. Updated goals only seek to restore State Water Project (SWP) deliveries to recent levels seen prior to the current pumping restrictions, with the lowering of future demand through various conservation efforts representing Metropolitan's largest new "supply" in the coming years. Through its IRP, Metropolitan intends to achieve the target in the 2009 legislative package of reducing statewide water consumption by 20 percent by the year 2020. This important state policy relating to reliance on the Delta pertains to all users of the Delta watershed. We would accept the opportunity to participate in any Delta Stewardship Council review of long-term water planning efforts by urban agencies, such as Metropolitan, that depend on the watershed.

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Metropolitan also has been an active participant in the Bay Delta Conservation Plan (BDCP) process and believes it is the best vehicle for Metropolitan to contribute to meeting the co-equal goals established in the 2009 Delta legislative package. Metropolitan is encouraged by recent update reports by the state and federal teams leading the BDCP process. It was particularly encouraging to note that both the state and federal governments enunciated their support of the co-equal goals in state policy and how both water supply levels and reliability can be improved from current conditions through an aggressive plan of restoring habitat, addressing other stressors, and constructing a new conveyance system. Metropolitan intends to work diligently and constructively to help complete the BDCP and looks forward to its eventual inclusion into the Plan.

As summarized above, Metropolitan supports the policies of the Delta legislative package and the BDCP process. In that spirit, we would like to make four overarching comments that should be reflected in the Delta Plan and its associated environmental impact report:

- While Metropolitan plans to meet its future water supply needs by offsetting increases in demand with sources other than the Delta, an assumption in the environmental impact report that Metropolitan must reduce its recent baseline supplies is unwarranted.
- Metropolitan supports the 20/2020 goal and its IRP assumes the goal will be achieved in its service area. But how Metropolitan and other agencies meet that goal must be left to those agencies and not constricted through the Delta Stewardship Council's CEQA process.
- As a "comprehensive, long-term [88-year] management plan for the Delta" (Water Code § 85059) that is subject to review and revision every five years [Id., § 85300(c)], the scope of the Plan is necessarily very broad. Its purpose is thus to set out broad policies to guide the actions of others in order to promote the co-equal goals and their sub goals. The Delta legislative package gives the Delta Stewardship Council limited authorities in implementing the Plan, such as reviewing the consistency of local and regional planning documents and expressly does not change existing regulatory authorities, such as the State Water Resources Control Board's authority over the administration of water rights, or alter existing laws concerning water rights and environmental protection. (Id., §§ 85031-85032.) Given the necessarily broad scope and tight legislative time deadline for completing the Plan, Metropolitan is concerned that the Notice of Preparation (NOP) describes a Plan that is more detailed and far reaching than is either appropriate or can realistically be achieved.
- Except for the development of statewide policies of general applicability, the geographic scope of the Plan should be confined to the Delta. Indeed, the Delta legislative package provides that the scope of the Plan "may" be extended beyond the Delta with respect to only ecosystem projects [§ 85302(b)] and minimizing flood risks [§ 85307(a)]. As

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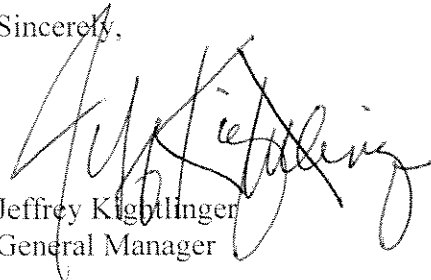
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appropriate, the Delta Plan should also rely on prior analyses and policies contained in the CALFED process to avoid duplication and to expedite the CEQA process. Finally, the Plan must recognize that the BDCP may not be completed and approved prior to the Plan Environmental Impact Report. The Plan must not seek to reinvent or supersede what is being developed through the BDCP process. The Council must avoid making findings on a project for which it is not the lead agency and for which data collection and analyses are still ongoing.

Metropolitan intends to work closely with the State and Federal Contractors Water Agency for more detailed comments on the NOP. Metropolitan looks forward to working with you and the Delta Stewardship Council to ensure the success of this important planning process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Kightlinger", is written over the printed name and title.

Jeffrey Kightlinger
General Manager

TSP:rrw